

House File 2030 - Introduced

HOUSE FILE 2030

BY LUKAN

A BILL FOR

1 An Act requiring legislative and gubernatorial approval of any
2 administrative rule with a fiscal impact requiring a fiscal
3 impact statement.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 17A.4, subsection 4, Code 2011, is
2 amended to read as follows:

3 4. a. Any notice of intended action or rule filed without
4 notice pursuant to subsection 3, which necessitates additional
5 annual expenditures of at least one hundred thousand dollars or
6 combined expenditures of at least five hundred thousand dollars
7 within five years by all affected persons, including the agency
8 itself, shall be accompanied by a fiscal impact statement
9 outlining the expenditures. The agency shall promptly deliver
10 a copy of the statement to the legislative services agency.
11 To the extent feasible, the legislative services agency shall
12 analyze the statement and provide a summary of that analysis
13 to the administrative rules review committee. If the agency
14 has made a good faith effort to comply with the requirements
15 of this subsection, the rule shall not be invalidated on the
16 ground that the contents of the statement are insufficient or
17 inaccurate.

18 b. A rule which is subject to the provisions of paragraph
19 "a" shall not become effective unless approved by a joint
20 resolution passed by the general assembly and approved by the
21 governor.

22 (1) When such a rule is adopted, the agency shall submit the
23 adopted rule to the president of the senate and the speaker of
24 the house of representatives at the next regular session of the
25 general assembly. The president of the senate and the speaker
26 of the house shall refer the rule to the appropriate standing
27 committee of the general assembly.

28 (2) A standing committee in receipt of such a referred rule
29 shall review the rule and may sponsor a joint resolution to
30 approve the rule and specify an effective date for the rule.

31 c. The administrative code editor shall codify such a rule
32 in the Iowa administrative code only when a joint resolution
33 has been enacted approving the rule.

34

EXPLANATION

35 Under the current rulemaking process, a proposed rule which

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1 has a fiscal impact of at least \$100,000 annually or combined
2 impact of at least \$500,000 within five years by all affected
3 persons, including the agency itself, must be accompanied by
4 a fiscal impact statement outlining the expenditures. This
5 bill provides that an adopted rule which has this impact shall
6 not become effective unless approved by a joint resolution
7 passed by the general assembly and approved by the governor.
8 The adopted rule will be forwarded to the appropriate standing
9 committees for action. The administrative code editor will
10 publish the rule in the Iowa administrative code only when a
11 joint resolution has been enacted approving the rule.